

## **REMARKS**

### **I. PRELIMINARY REMARKS**

Claims 2, 3, 11, 14-16, 18, 19 and 22 have been amended. Claims 12 and 13 have been canceled. Claims 24-29 have been added. Claims 1-11 and 14-29 remain in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

### **II. REJECTIONS UNDER 35 U.S.C. § 112**

Claims 2, 3, 15 and 16 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully submits that the rejection under 35 U.S.C. § 112, second paragraph, has been obviated by the amendments to the claims and should be withdrawn.

More specifically, claims 2 and 15 have been amended so as to replace the phrase "relatively small" with a numerical value.

Turning to claims 3 and 16, it appears that the Examiner interpreted the claims to be indicating that the "solid material" vaporizes in response to an application of "scent material" in addition to the application of "heat." Commas have been added to claims 3 and 16 in order to emphasize (1) that the scent material supply comprises a "solid material" and a "scent material" and (2) that the "solid material" is a material that "will vaporize in response to an application of heat." Applicant respectfully submits that the addition of commas did not change the scope of claims 3 and 16.

### **III. REJECTIONS UNDER 35 U.S.C. § 102**

#### **A. The Rejections**

Claims 1-3, 5, 9, 11-16, 21 and 23 have been rejected under 35 U.S.C. § 102 as being anticipated by the Spector patent (U.S. Patent No. 4,629,604). Claims 1-23

have been rejected under 35 U.S.C. § 102 as being anticipated by the Rasouli patent (U.S. Patent No. 6,004,516). As claims 12 and 13 have been canceled, applicant respectfully submits that the rejections thereof have been rendered moot. The rejections of the remaining claims under 35 U.S.C. § 102 are respectfully traversed with respect to the claims as amended above. Reconsideration thereof is respectfully requested.

## **B. The Cited References**

The Spector patent discloses a system including a multi-aroma cartridge and an aroma player. The cartridge includes nine frame assemblies (numbered 1-9), each of which includes a porous, fragrance storing pad 13 sandwiched between a pair of frames 14 and 15. The aroma player includes a case with a slot 20, which receives the cartridge, and nine heating cells (numbered H<sub>1</sub>-H<sub>9</sub>). Each heating cell includes an individual heater that is actuated by an on-off switch (numbered S<sub>1</sub>-S<sub>9</sub>).

The Rasouli patent discloses a system including a disk 10 and a heater. In the embodiment referenced in the Office Action, the disk 10 includes a substrate that supports strips of conductive material 16 (both linear and circular) and non-conductive material 21. Adsorbent 20, which holds the odor producing chemicals, is applied to the strips of conductive material 16. The heater is a conductive element 18 that applies current to the strips of conductive material 16. The application of current to the conductive material 16 causes the temperature of the conductive material to increase which, in turn, causes the adsorbent 20 to release the odor producing chemicals.

## **C. Discussion Concerning Claims 1-10 and 23**

Independent claim 1 calls for a combination of elements including “a base member,” “a scent material supply ***carried by the base member***” and “a scent activation system ***carried by the base member***, initially configured such that the scent activation system selectively activates a first predetermined portion of the scent material supply in response to the application of a first energy pulse without activating a second predetermined portion of the scent material supply, and ***adapted to be***

**reconfigured by the first energy pulse** such that the second predetermined portion of the scent material supply will be activated in response to the application of a second energy pulse.”

The Spector patent fails to teach or suggest such a combination. For example, the nine frame assemblies 1-9 with fragrance storing pads 13 are part of the cartridge, while the heating cells H<sub>1</sub>-H<sub>9</sub> are part of the aroma player that receives the cartridge. As such, there simply is no “scent material supply” and “scent activation system” that are **both** carried by **the** “base member,” as recited in the combination defined by independent claim 1.

The Rasouli patent also fails to teach or suggest the combination defined by independent claim 1. For example, even assuming for the sake of argument that the Rasouli strips of conductive material 16 could be considered a “scent activation system,” the strips of conductive material are not “reconfigured” by the energy provided by the conductive element 18. To the contrary, the resistance of the conductive element 18 merely causes the conductive material to heat up as current passes therethrough.

As the Spector and Rasouli patents each fail to teach or suggest each and every element of the combination recited in independent claim 1, applicant respectfully submits that claims 1-10 are patentable thereover and that the rejections of claims 1-10 under 35 U.S.C. § 102 should be withdrawn.

Turning to claim 23, given the fact that the Spector and Rasouli patents each fail to teach or suggest the scent storage device defined by claim 1, the Spector and Rasouli patents cannot teach or suggest a method including, *inter alia*, the step of “providing the scent storage device claimed in claim 1.” As such the rejections of claim 23 under 35 U.S.C. § 102 should also be withdrawn.

#### **D. Discussion Concerning Claim 11**

Independent claim 11 calls for a combination of method steps including the steps of “providing a scent storage device including a base member, a scent material supply **carried by the base member**, and a scent activation system **carried by the base member**,” “inserting the scent storage device into a scent delivery device”

**“activating a first portion** of the scent material supply by applying a **first power pulse from the scent delivery device to a predetermined portion** of the scent activation system” and **“activating a second portion** of the scent material supply by applying a **second power pulse from the scent delivery device to the predetermined portion** of the scent activation system.”

The Spector patent fails to teach or suggest such a combination. For example, the frame assemblies and fragrance storing pads are part of the Spector cartridge, while the heating cells are part of the aroma player that receives the cartridge. As such, the Spector patent fails to teach or suggest a method including the step of “providing a scent storage device” with a “scent material supply” and “scent activation system” that are **both** carried by **the** “base member,” as called for in the combination defined by independent claim 11.

The Rasouli patent also fails to teach or suggest the combination defined by independent claim 11. For example, the Rasouli patent discloses that individual adsorbents 20 are carried on individual strips of conductive material 16, and that an adsorbent will release odor producing chemicals when power is supplied to the associated strip of conductive material. There is nothing in the Rasouli patent that teaches or suggests that only **a portion** of the adsorbent 20 associated with a particular strip of conductive material 16 will release the odor producing chemicals. Nor does the Rasouli patent teach or suggest that the one of the adsorbents 20 (or one portion of a single adsorbent 20) will release the odor producing chemicals when an energy pulse is applied to a particular strip of conductive material 16, **and** that **another** one of the adsorbents 20 (or another portion of the same adsorbent 20) will release the odor producing chemicals when an energy pulse is applied to the **same** strip of conductive material.

As the Spector and Rasouli patents each fail to teach or suggest each and every step in the combination recited in independent claim 11, applicant respectfully submits that claim 11 is patentable thereover and that the rejections of claim 11 under 35 U.S.C. § 102 should be withdrawn.

### E. Discussion Concerning Claims 14-22

Independent claim 14 calls for a combination of elements including “a base member” and “a plurality of scent channels ***carried by the base member.***” Each of the scent channels includes “a scent material supply defining a plurality of individual ***event portions*** and a ***scent activation system*** that selectively activates predetermined portions of the scent material supply having a plurality of individual activators that are respectively associated with the individual event portions, ***initially disconnected*** from one another, and ***configured to be sequentially connected*** to one another.”

The Spector patent fails to teach or suggest such a combination. For example, the frame assemblies and fragrance storing pads are part of the Spector cartridge, while the heating cells are part of the aroma player that receives the cartridge. As such, the “event portions” and “scent activation system” are not ***both*** carried by ***the*** “base member,” as set forth in the combination defined by independent claim 14.

The Rasouli patent also fails to teach or suggest the combination defined by independent claim 14. For example, the strips of conductive material 16 are not “configured to be sequentially connected to one another.”

As the Spector and Rasouli patents each fail to teach or suggest each and every element of the combination recited in independent claim 14, applicant respectfully submits that claims 14-22 are patentable thereover and that the rejections of claims 14-22 under 35 U.S.C. § 102 should be withdrawn.

### IV. NEWLY PRESENTED CLAIMS 24-29

Newly presented claim 24 depends from claim 11 and is patentable for at least the same reasons as claim 11.

Newly presented independent claim 25 calls for a combination of elements comprising “a base member,” “a continuous length of scent material carried by the base member and having at least first and second adjacent portions” and “means for heating the first portion of the continuous length of scent material without substantially heating the second portion of the continuous length of scent material in response to a

first energy pulse and heating the second portion of the continuous length of scent material in response to a second energy pulse." Applicant respectfully submits that the cited references fail to teach or suggest such a combination and that claims 25-29 are patentable thereover.

**V. CLOSING REMARKS**

In view of the foregoing, it is respectfully submitted that the claims in the application are in condition for allowance. Reexamination and reconsideration of the application, as amended, are respectfully requested. Allowance of the claims at an early date is courteously solicited.

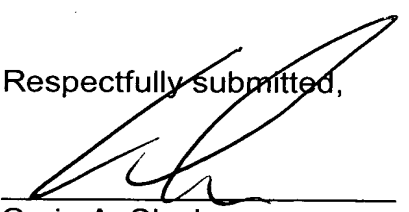
If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call applicant's undersigned representative at (310) 563-1458 to discuss the steps necessary for placing the application in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 08-2025. Should such fees be associated with an extension of time, applicant respectfully requests that this paper be considered a petition therefor.

10/28/03  
Date

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Respectfully submitted,

  
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